

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

SHOOTER CONSTRUCTION CO., INC.

Plaintiff, : Case No. 3:11-cv-181

- vs -

: District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

ACCORDIA OF OHIO, LLC

:

Defendant. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

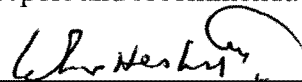
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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #18), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that this matter be, and it hereby is, REMANDED to the Montgomery County Common Pleas Court for all further proceedings, except that this Court retains jurisdiction to assess “just costs and any actual expenses, including attorney fees, incurred as a result of the removal.” The question of the appropriate amount of such assessment remains referred to Magistrate Judge Merz for report and recommendations.

September 20, 2011.



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Walter Herbert Rice  
United States District Judge